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THE WHIGS OF COLONIAL NEW YORK

A REMARKABLE feature of political life in the colony of New York during the eighteenth century is the leadership of lawyers, especially upon the popular side. That political initiative which was assumed in other colonies by the rural squires, by rich merchants, or by clergymen, lay in New York in the hands of the advocates. The DeLanceys at the head of the party of prerogative were pitted against Smiths and Livingstons, Whig champions of the people. To them all, and to their familiarity with English law and history, was due the systematic expansion of powers of the popular organ of government in the colony. To them was also due an unusual adroitness in clever partisan management in petty as well as in great affairs, as when the DeLanceys reduced Chief-Justice Morris' salary by one-half, or as when the tearful eloquence of the elder Smith diminished the poll for the aristocratic candidate by ensuring the disfranchisement of the Jews.

In numbers and in learning, though not in shrewdness, the aristocratic DeLanceys were overmatched by their opponents. It has often been remarked that a Presbyterian community breeds able lawyers. Cadwalader Colden was not the only Tory politician to observe with some asperity that all the popular leaders of his day were both lawyers and Presbyterians. That supreme conception of law and justice which is inherent in the creed of Calvin was the mainspring of the whole popular party in New York, just as it was the mainspring of the whole polity in New England. Without this leaven, New York colonial politics would have lacked form and direction and would have been little more than a puerile scramble of petty oligarchies.

The importance of the personal influence of single individuals is as marked in this period of New York's history as it was in the seventeenth century; but politics became, in the eighteenth century, far more a family inheritance than it had been in the former time. The lawyers of eminence founded powerful families of their own, or made connections with the large and wealthy merchant clans of Dutch and English blood. Some of them did both. The DeLancey blood blended with that of half of the aristocratic

families of the first rank along the Hudson valley. The Livingstons, Van Cortlandts, and Beekmans were equally intertwined. Rival oligarchies like these might play the part of Florentine Bianchi and Neri, but they were likely to combine against a governor who was excessively arrogant, as Cosby discovered, or against a populace which dared to elevate leaders of its own, as the Sons of Liberty realized.

The lines of cleavage between political parties and religious denominations were virtually identical, and the mutual animosity of the two English churches, Episcopalian and Presbyterian, was the most potent political force in the colony. In the outlying districts the unfriendly denominations were not brought into close juxtaposition. The Anglicans possessed scarcely a foothold on the upper Hudson. In and around Albany, Dutch and English Presbyterianism reigned supreme, and the Scotch-Irish Presbyterians of Ulster County were almost as unanimous as the Yankee farmers of Long Island.

But in New York City there was a root of bitterness, which grew in the sight of all men, and which defied eradication. For the beginning of this bitterness Leisler and his partisans were responsible. For the worst features of its development, Presbyterians and Episcopalians were blameworthy. The Anglican Church was very small, embracing less than one-tenth of the population, but the constant favor of the royal governors gave it social prestige and the allegiance of the official class. An overwhelming majority of its members, as in all the northern colonies, adhered to the aristocratic or Tory party. Strong in wealth and in executive support, the Episcopalians took advantage of a dubious law to claim a semi-establishment in four counties. They laid forcible hands on Presbyterian churches and parsonages, and they persecuted and prosecuted Presbyterian ministers for unlicensed preaching. They prevented the Presbyterian church of the city from securing incorporation, so that the latter was compelled to deed its property to the Scottish Kirk in order to acquire a legal status.

The Presbyterians, though strong in numbers, were poor, and therefore weak in social and political influence, but they surpassed their Episcopalian opponents in boldness of purpose and in vigor of invective. The spirits of Laud and Cromwell, however quiescent in England, were still as militant as ever in the colonies, and the descendants of the Puritans looked upon their Episcopalian neighbors as the servants of the power which would gladly strangle both civil and religious liberty. The balance of power belonged to the Dutch Reformed Church, more numerous than the Pres-

byterians everywhere except upon Long Island, and as well provided with families of wealth and distinction as the Episcopalian community. In spirit and polity it was harmonious with the Presbyterian denomination, and equally opposed to the Anglican communion. As in the days of Leisler, however, the sentiment of caste was stronger than the Calvinist unity, and the major part of the wealthy Dutch families, albeit a small minority of the community, preferred to array themselves socially and politically with the congenial Anglican aristocracy. The non-conformist body as a whole, whether Presbyterian or Dutch Reformed, was inclined to resent their conduct as treacherous. Under a freehold suffrage, however, the wealthy families could by combinations exert a disproportionate influence at the elections, and direct the course of public affairs unless overthrown by some unusual agitation. In such social affiliations lay the strength of the DeLanceys.

In 1748, the irritation between the two English churches was inflamed by the scheme of Rev. Dr. Secker, afterwards Archbishop of Canterbury, to enforce the Acts of Supremacy and Uniformity throughout the English colonies. The desire of some resident Anglican clergy for an American bishop or house of bishops increased the inflammation. Injudicious management concentrated all the contending acrid humors upon the project for the foundation of a college in New York City. Leading members of the Anglican communion were among the most prominent promoters of this plan. They naturally wished to have a school for their children under the influence of the Church, as Yale and Harvard, in New England, were entirely controlled by denominations unfriendly to the Episcopalians. But in order to provide an endowment for the college, the Assembly had authorized a public lottery. The proceeds from it amounted, in 1751, to £3443. The majority in the Assembly, consisting of the followers of James DeLancey, then created a board of ten trustees, of whom seven were Episcopalians, two belonged to the Dutch Church, and one, William Livingston, was a Presbyterian. These trustees outlined a charter which would secure to the Episcopalians the perpetual control of the college. Immediately there was an outcry from the non-conformists. It was contended that a school fostered by public grants should avoid an unreserved identification with any one of the rival churches. The common people were quite ripe for the suggestion that the Secker proposition, the plan for a new college, and the aristocratic and Tory sympathies of the DeLancey party were all but parts of one great whole. A political party was rapidly solidified, when that suggestion was made by William Livingston.

This young man, whom this agitation developed into the most prominent leader of the popular party, was a grandson of cunning Robert, who had been Leisler's foe and the first lord of the Livingston Manor. Born in Albany, in November, 1723, William Livingston was reared in luxury, and, before he had completed his fourteenth year, followed three of his older brothers to Yale College. Upon his graduation, in 1741, he devoted himself to the study of law under the tuition of two veteran Whig advocates and leaders, Messrs. James Alexander and William Smith, sr. In their offices, Livingston joined a group of young lawyers who derived in common their culture from Yale, and their legal and political prepossessions from Smith and Alexander. Mr. Alexander's son, William, who, under the title of Lord Stirling, was prominent upon the American side in the early years of the Revolution, was a comrade of the Livingston brothers. William Livingston's most intimate associates were William Smith, jr., the historian; the latter's cousin, William Peartree Smith; and John Morin Scott, who was graduated from Yale in 1746. In ecclesiastical matters, the Livingstons and their comrades were sturdy Calvinists, and William Livingston was more strict in principle and in observance than most of those who were his social equals. The aristocratic clique was well aware of the latent possibilities in this promising legal coterie. The younger Smith inherited his father's legal abilities, and Livingston acquired fame as a wit and a scholar. The pride of his family forbade that absorption in the plebeian study of art which he at first contemplated, but he relieved the tedium of his profession with the mechanical arts, with the practice of agriculture, and with literary composition. A native impatience and acerbity of temper predisposed him to satire, and his earliest prose essays were pasquinades. So prone was he in early life to indulge in sweeping criticism, that a young lady of his acquaintance, with some allusion to his length of lean body, fastened upon him the nickname of "the whipping-post." Livingston drew his own picture as "a long-nosed, long-chinned, ugly-looking fellow."

The sober second thought corrected the impulse to petulance, and experience ripened in his disposition an abundant measure of sweet and healthy independence. Moral courage was his predominant quality. If he had been more pliant, less truthful and less impartial, he would have been more famous as a political leader, and might never have surrendered the leadership of New York democracy into less worthy hands. Before he had definitely declared his political preferences, one of the DeLanceys said to

him familiarly: "Will, you would be the cleverest fellow in the world, if you were only one of us." "I will try to be a clever fellow," was the blunt answer, "without being one of you." The death of Livingston's father, in 1749, probably removed a restraint from the son's political freedom, for Mr. Philip Livingston, although he had never bowed the knee to DeLancey, was the last of his family to sympathize with the aristocratic and Tory notions of political conduct.

William Livingston and his friends, ambitious to leaven the lump around them, formed early in 1752 an association called "The Whig Club," which assembled weekly at "The King's Arms" tavern, and drank to the immortal memories of Oliver Cromwell and John Hampden. Moved by such inspiration, William Livingston began on the 30th of November of the same year, the publication of *The Independent Reflector*, a paper founded — so Livingston said in the prospectus — "to oppose superstition, bigotry, priestcraft, tyranny, servitude, public mismanagement and dishonesty in office." The youthful fervor with which the editor began to fulfil this comprehensive programme delighted his friends of the popular party, but polite society in general stood aghast. The mayor of the city urged the grand jury to indict for libel. The Episcopal clergy denounced Livingston as a libertine and infidel, and one declared from the pulpit that the editor of the *Reflector* was the Gog and Magog foretold in the Apocalypse. This discovery Livingston gravely accepted as a compliment, in succeeding issues of his journal.

As soon as the question of sectarian influence in the new college was fairly broached, Livingston transformed *The Reflector* into a battery from which the heroes of the Whig Club poured a raking fire into the history, dogmas, and aristocratic sympathies of the Established Church of England. Upon their flag they inscribed the legend "Non-sectarian education." The answering volley was fired by the Anglican clergy of the city from the columns of Hugh Gaines' *Mercury*, which was the official and aristocratic organ. In the ardor of combat the controversy ranged over the whole field of religious belief and practice. Livingston became almost as excited, though not so incoherent, as the clerical interpreter of the visions at Patmos. He scandalized the devout churchmen by printing what he called his "creed," significantly framed in thirty-nine articles. Some of the tersest and most pungent of these may illustrate the character of the fray.

"Article 7. I believe that to defend the Christian religion is one thing, and to knock a man on the head for being of a different opinion is another thing."

"Article 13. I believe that riches, ornaments, and ceremonies were assumed by the churches for the same reason that garments were invented by our first parents."

"Article 17. I believe that our faith, like our stomachs, may be overcharged, especially if we are prohibited to chew what we are commanded to swallow."

It is not strange that Rev. Samuel Johnson read such sentences as these with just that consecrated misunderstanding to which such excellent men are often liable. He wrote in melancholy fashion to Doctor Secker, of the circulation of this "pernicious" literature among the youth of New York, and lamented that these young Absaloms were trying, as he phrased it, "to wrest the new college out of the Church's hands, and make it a sort of freethinking, latitudinarian seminary." Pressure from the upper circles terrified the printers into a refusal of service to *The Independent Reflector*, which was accordingly discontinued in November, 1753. The enemy's guns being thus silenced, the majority of the trustees considered an offer from the wardens and vestry of Trinity Church to give to the college a convenient site, on condition that the President should always be a communicant in the Church of England, and that the Anglican liturgy should always be used in the religious exercises of the institution.

The Episcopalian trustees voted to request Acting Governor James DeLancey to affix the great seal to a charter based on these provisions. Mr. DeLancey, under irresistible pressure, consented, but his heart misgave him, for he was far-sighted, and did not, like his friends, despise the temper of the plebeian multitude. Livingston then protested that, as the funds of the institution were obtained under the authority of the Assembly, no incorporation, which was not sanctioned by that body, could convey the control of the lottery money. Aided by his chief lieutenants, Smith and Scott, he conducted on this issue a new appeal to the people, in the shape of public meetings, personal canvassings, and a rain of public letters, petitions, and addresses. They even bought their way with vulgar money into one corner of the hitherto unimpeachable Gaines' *Mercury*. The discussion overleaped the field of dogmas and rituals. The suit of Presbyterianism *vs.* Episcopacy was merged in the cause of the common people *vs.* DeLancey aristocracy. "Livingston, Smith, and Scott," wrote the irate Tory squire, Jones, "were a triumvirate who were all Presbyterians by profession and republicans by principle, determined if possible to pull down Church and State and to raise their own government and religion upon the ruins." So great was the excitement and

so numerous signed were the popular petitions against delivering the money to the trustees that the aristocratic politicians did not dare to take final action until December, 1755, three years after the struggle began.

Although Mr. DeLancey was still in the executive chair, and although his partisans fully controlled the Council and the Assembly, the Livingston campaign won success, for it forced a compromise. The college was surrendered to the Episcopalians, but one-half of its funds was diverted to the erection of a new jail and pesthouse, of which the city was much in need. The temper in which the arrangement was made is revealed in the remark of the elder Smith, who, as a councillor, gave his vote for the bargain with a word of gratulation that the money was "to be divided between the two pesthouses."

This long controversy accomplished much more than the crippling of King's, now Columbia, College. It wrought a political revolution. The verdict of the people at large was rendered at the septennial elections of 1758, when, for the first time since the era of the Zenger trial, James DeLancey and his supporters failed to retain a popular majority at the polls. The Livingston group dominated the new Assembly and consolidated a Whig party which bore their family name. Lieutenant-Governor James DeLancey, dying soon after his humiliating defeat, bequeathed the leadership of his faction to his son of the same name, and left his executive office to his ancient Tory rival, Cadwalader Colden, an unbending aristocrat of the old school who scorned the popularity which DeLancey loved. For the next decade, the houses of Livingston and DeLancey were the Percies and Nevilles of the province of New York. "From this time," writes the historian Smith, "we shall distinguish the opposition (*i.e.* to the upholders of prerogative) under the name of the Livingston party, though it did not always proceed from motives approved of by that family."

That stalwart old Tory, Dr. Cadwalader Colden, coming down from his Ulster County farm at the age of seventy-three years to do battle again in the cause of prerogative, took the measure of his opponents in more forcible language. He wrote: "For some years past three popular lawyers, educated in Connecticut, who have strongly imbibed the independent principles of that country, . . . make use of every artifice they can invent to calumniate the administration in every exercise of the prerogative. . . . They get the applause of the mob by their licentious harangues, and by propagating the doctrine that all authority is derived from the consent of the people." Judge Jones also attributed the seditious

tendencies of Livingston, Smith, and Scott to the influence of that New Haven Nazareth out of which they had come. "They were educated," he said, "at Yale College in Connecticut, then and still a nursery of sedition, of faction, and of republicanism."

The political gospel which to Tories like Jones and Colden smacked of republicanism, was really the dilettante democracy of the school of Edmund Burke. Livingston and his friends were aristocratic Whigs, equally anxious to clip the pinions of ambitious royalty and to curb the insolence of the unlettered mob. The Livingston party in New York did, as Colden said, cherish the horrid Connecticut doctrine that "all authority is derived from the people," but they were quite content with the narrow English definition of the term "people." With Edmund Burke, they thought that a parliamentary assembly of aristocratic representatives of the people was an ideally perfect form of government. Livingston's management of the college controversy showed that he realized the political importance of the public opinion of the multitude, but he expected to use King Demos as a Greek chorus and not to introduce him as a principal character in the play.

The Assembly which was elected after the death of George II. was overwhelmingly Livingstonian, and it locked horns at once with Lieutenant-Governor Colden. Because the DeLanceys hated that officer, the aristocratic faction in the Council and elsewhere offered little opposition to the triumphant Whigs. Mr. Benjamin Pratt, the Boston Tory who was indiscreet enough to accept the chief justice's commission upon the tenure of "during the King's pleasure" instead of "during good behavior," went home after two sessions of the supreme court, without receiving a penny of salary. On this subject the Assembly began in 1762 a series of addresses to the King, which were the most elaborate and courageous state papers that had up to that time emanated from any legislative body on this continent.

Against the Grenville project of colonial taxation, the memorials sent to the King and to both Houses of Parliament in 1763 and again in 1764 were supported by Livingstons and DeLanceys alike. The address of 1764, the work of Philip Livingston, was so bold in its claim of "freedom from taxes not granted by ourselves" that no member of Parliament dared present the document to those houses. Governor Colden wrote a long letter to the lords of trade and plantations to explain how such an "undutiful and indecent Address" could have been adopted by an Assembly under his government. At the same time that "undutiful" body chose the first colonial committee of correspondence on

the continent, a committee consisting of two Livingston Whigs, two DeLancey aristocrats, and one neutral. It was William Bayard, one of the DeLancey politicians, who travelled to Boston to spur the milder-tempered General Court of Massachusetts to more defiant action. This crafty policy of the aristocratic group was not entirely due to dislike of Colden, or to a craving for popularity. Aristocrats and Whigs were equally averse to paying taxes, and when the flame of rebellion against the Stamp Act flared up in 1765, the DeLanceys were quite willing to see the Livingstons fan the fire. The Whig leaders undertook to repeat the tactics of 1753. The triumvirate organized the third estate of mechanics and farmers more systematically than before, and, like Otis, Warren, and Adams at Boston, created a public opinion irresistible in the streets but feeble in the drawing-rooms. Colonel Barré's impassioned reply to Townshend in the House of Commons furnished a noble name for these sprouting associations, and the summer's harvest of 1765 was a legion of "Sons of Liberty." Then suddenly the Livingston gentry discovered that they had summoned from the vasty deep a spirit that they could not master. The men, who, as moving spirits of the Sons of Liberty, were expected to be merely file-leaders of the Whig chorus, pushed the Livingstons aside, and assumed the batons of command. A new king had arisen who knew not Joseph.

As the first of November approached, on which day the Stamp Act was to go into operation, it seemed inevitable that the resolute radicals and the equally sturdy old Governor Colden would bring the struggle to actual bloodshed. Colden refitted the fort, trained the cannon on the city, filled the fort with soldiers from Crown Point, and lodged the stamps safely under the shelter of their guns. The Sons of Liberty, on the other hand, appointed the first popular committee of correspondence on the continent, adopted the first non-importation agreement on the continent, promised mob law to any man who should use the stamped paper, and for five days, November 1-5, rioted before the walls of the fort, hanging Colden in effigy, sacking and burning his property and that of the commandant of the garrison. They finally planned to assault the fort on the night of Guy Fawkes' Day, the 5th of November. The Livingstons had at first tried to ride the storm and direct it, but they failed ignominiously. Scott joined the mob, but the others recoiled from the disloyal talk of their partisans and were horror-stricken at the notion of firing on the English flag and uniform. Judge Robert Livingston was even threatened by his former henchmen because he denounced the turbulence of the

Sons of Liberty. Under the impending danger of actual bloodshed, the gentry of both factions hastened to Colden and succeeded in patching up a compromise which satisfied the radicals and at least saved the dignity of the governor.

The chasm between the two wings of the popular party yawned wider as the months rolled on. All the people professed to approve of the non-importation policy, but neither Livingston Whigs nor DeLancey Tories liked to see a gang of artisans and apprentices pose as the sole guardians of that policy. The vigilance committee of the Sons of Liberty maintained a sort of Holy Inquisition into the sales and purchases of every man of business, into the outgoings and incomings of private households, and into the reported opinions of individuals. A reputable merchant, Mr. Lewis Pintard, having once sent a stamped paper to Philadelphia, was summoned to promise publicly and humbly, like a whipped school-boy, that he would never do it again. To the people in wigs, lace ruffles, and silk clothes, who walked softly and fared sumptuously every day, were they Whigs or were they Tories, this yoke of the Sons of Liberty was not joyous, but grievous. They disapproved of the political and social upheaval of an artisan democracy. They were shocked by the wanton destruction of property on the night of November 1st. They were frightened by the unwonted popularity of unlearned and hitherto unknown men whose influence owed nothing to either wealth or pedigree. When the pressure was suddenly relaxed by the repeal of the act in March, 1766, there was a hidden meaning in the enthusiasm with which the people of all classes huzzaed in the streets once more for "George III., Pitt, and Liberty."

The removal of the pressure revealed also the extent of the disintegration in the Whig party. The Livingston Whigs were sent to the rear. The democratic leaders whom the Sons of Liberty had elevated from their ranks emerged from the battle in full command of the populace of the city, New York's first real democracy. Already they had changed the doctrine of "No taxation without representation" into the broader gospel of "No legislation without representation," a sentiment as obnoxious in New York as in England. All these captains of the Sons of Liberty moved far outside that comfortable social world wherein Livingstons, Philipses, Cruigers, Schuylers, and DeLanceys met on equal terms. Fifty years later the aged Aaron Burr remarked: "Very few people now realize who and what the men were that, on this side of the water, made the war of revolution inevitable." In New York they were John Lamb, a liquor dealer; Isaac Sears, popularly known as King

Sears, son of a Yankee fish-peddler, and himself in turn a sailor, privateersman, and shopkeeper; Archibald Laidly, Presbyterian minister; John Holt, printer; Alexander McDougall, milkman, sailor, privateersman, small trader, and finally merchant; Marinus Willett, soldier in the late war; and others like Gershom Mott, William Wiley, and Thomas Robinson, of whom fame has preserved little more than their names. These persons and their associates, usually men of little education and of less social prestige and dignity, but ambitious and restless, met together frequently in the long room of a tavern which they called "Hampden Hall." There they preserved the machinery of their political organization and the combustibles with which they kindled the flames of popular agitation.

The same causes that shattered the Livingston party strengthened its rival. The merchants and gentry of moderate sentiments, who constituted the greater portion of the well-to-do class in and around New York City, were alienated by the violence of the radicals, and thought to show their undoubted loyalty by voting for Tory candidates. The peaceful Dutch and German folk, who were especially disquieted by the recent tumults, discerned that the new Whig leaders were invariably Presbyterians. Misliking both the Yankee race and the Yankee church, the Dutch Reformed and the Lutherans easily saw good reason for allying themselves with aristocracy and episcopacy. Moreover, the young DeLancey surpassed even his father's dexterity in hiding oligarchy behind a mask of democracy. His adherents naturally led the dance of joy that ensued upon the repeal of the hated act. They made loud professions of allegiance to the non-importation agreements, hiding, as Colden said, for political motives, a secret aversion under an outward conformity. They were also adroit enough to widen the breach between the Sons of Liberty and the Livingston group by appealing to the latent mob prejudice against lawyers.

With the campaign cry of "No lawyers to the Assembly," a DeLancey merchant ticket swept the city in 1767. William Livingston and his friends did not abandon the struggle. The Assembly was still theirs. The Whig party of the Albany region and of eastern Long Island was intact, for there no class distinctions sundered the Sons of Liberty from the old party leaders. In 1767-1769, a revival of the project for an American Episcopate afforded to Livingston an opportunity to appeal for popular unity on the old familiar ground. The Lord-Bishop of Llandaff, in a sermon, called the New Englanders "infidels and barbarians." Governor Moore and his Council in New York again refused to

incorporate the Presbyterian church in the city. A petition for bishops was formally despatched across the water by the Episcopal clergy of New York and New Jersey.

The Whig politicians, as before, smelt Tory politics in the scheme; the Presbyterian ministers detected a still more sulphurous odor in it, and one of the latter in New Jersey so far forgot himself as to call the Episcopal Church "that rag of the whore of Babylon." William Livingston entered the lists against the English prelate, and received therefor a formal vote of thanks from the Connecticut consociation of churches, by the hand of its secretary, his own friend, Rev. Noah Welles. One of the wits of the DeLancey party parodied this classical tribute in verses which ended thus:—

"March on, brave Will, and rear our Babel
On language so unanswerable,
Give Church and State a hearty thump,
And knock down truth with falsehoods plump;
So flat shall fall their churches' fair stones,
Felled by another Praise God Barebones.
Signed with consent of all the tribe
By Noah Welles, our fasting scribe."

The Livingston effort to cement their broken wings with anti-Episcopal glue was a failure. In January, 1769, Governor Moore dissolved the Assembly for its contumacy in refusing supplies for the soldiery, and in disobeying the royal prohibition against political correspondence,—especially with Massachusetts. Both Whigs and Tories strained every nerve to win the ensuing elections. The DeLanceys were clever enough, on the one hand, to intensify the opposition between the Sons of Liberty and those rich lawyers, the Livingstons, and on the other hand, to excite the merchant class against the Whig alliance with the mob. The Livingstons appealed for the verdict of popular approval. The character of their hopes in New York City was naïvely revealed in Peter R. Livingston's letter to Philip Schuyler: "There is a great deal in good management of the votes. Our people are in high spirits, and if there is not fair play shown, there will be bloodshed, as we have by far the best part of the Bruisers on our side, who are determined to use force, if *they* (the DeLanceys) use any foul play."

The good man's confidence in the Bruisers was misplaced. The majority of the Sons of Liberty repudiated the Whig nabobs altogether. The Tory-Episcopalian-merchant-DeLancey combi-

nation received two-thirds of all the votes, in New York City. Barely half a dozen Whig members found a place in the new Assembly. Among them, the only prominent figures were those of Philip Schuyler, from the extreme North, and of George Clinton, from the extreme West. From that time until the outbreak of the war, the balance of voters in Southern New York inclined strongly to the aristocratic side, and ultra-loyalty was a fashionable sentiment. The moderate Whigs of birth and breeding had before been sent to the rear of the popular army. Now they retired from it altogether, and the Sons of Liberty confiscated their effects. Of the famous triumvirate, Scott cast in his lot with Lamb and Sears. Smith and Livingston, like their comrades, the Jays, the Morrisises, the Franklins, Randolphs, and Rutledges, stood apart, silently and unhappily watching the course of events, until the outbreak of hostilities forced them to choose between loyalty and rebellion. William Livingston, disheartened by the violence and open disloyalty of the Sons of Liberty, moved in 1772 to New Jersey and disappeared from New York politics. The events of 1774 threw him, like most of the moderate Whigs, into a renewed association with the Sons of Liberty, and as governor and statesman, William Livingston was the foremost man in New Jersey from 1776 until his death in 1790.

William Smith moved in an opposite direction. Unable to abandon his allegiance to England, he was hated as an apostate by the Sons of Liberty, became a Tory refugee, and died Chief Justice of Canada. Until rebellion blurred all prospects of peace, it was Smith's hope that the agitation would result in a continental colonial parliament, subject to the English Crown, but competent to decide all domestic affairs. This was also the expectation of Benjamin Franklin and of William Livingston. The moderate sentiment of both parties would have acclaimed such a solution of the difficulty. Only the tactless persistence of an English ministry and monarch could have alienated such allegiance as these gentry owed to the mother country. A little more friendly diplomacy in the treatment of these colonies, and English sovereignty might have rested on a foundation that not all the radical malcontents from Boston to Savannah would have been able to shake.

CHARLES H. LEVERMORE.